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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, May 21, 2019
86th Legislature, Number 70
The House convenes at 10 a.m.
Part Three

The bills and joint resolutions analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

Today is the last day for the House to consider Senate bills and joint resolutions on second reading, other than local and consent, on a daily or supplemental calendar.

All HRO bill analyses are available online through TLIS, TLO, CapCentral, and the HRO website.

Dwayne Bohac
Chairman
86(R) - 70

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Tuesday, May 21, 2019

86th Legislature, Number 70

Part 3

SUBJECT: Making confidential certain information about elected officials, legislators

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Raymond

SENATE VOTE: On final passage, April 26 — 30-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Some have suggested that due to the public nature of their service members of the Legislature and statewide elected officials could face potential security risks related to the release of certain personal information under state public information laws.

DIGEST: SB 662 would except from the public availability requirement of state public information law information related to the home address, phone number, emergency contact, or Social Security number of a statewide elected officer or member of the Legislature. Information that revealed whether elected officials or legislators had family members also would be made confidential.

Statutory provisions on the confidentiality of certain personal identifying information of peace officers and other officials performing sensitive governmental functions would apply to statewide elected officials and legislators.

The bill also would make statutory provisions relating to the confidentiality of certain home address information in appraisal records applicable to such officials and legislators.

To the extent of any conflict, SB 662 would prevail over another bill of

the 86th Legislature relating to non-substantive additions to and corrections in enacted codes.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019. The bill would apply only to a request for information received on or after the effective date.

SUBJECT: Creating state telehealth center for sexual assault forensic medical exams

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 7 ayes — Nevárez, Paul, Burns, Calanni, Goodwin, Israel, Lang

0 nays

2 absent — Clardy, Tinderholt

SENATE VOTE: On final passage, April 4 — 31-0

WITNESSES: For — Chris Kaiser, Texas Association Against Sexual Assault; (*Registered, but did not testify*: Lisa Harst, Children's Advocacy Centers of Texas; Priscilla Camacho, Dallas Regional Chamber; James Grace, Jr., Houston Area Women's Center; Greg Hansch and Alissa Sughrue, National Alliance on Mental Illness-Texas; Eric Kunish, National Alliance on Mental Illness-Austin; Kristen Lenau, Texas Council on Family Violence; Kevin Stewart, Texas Emergency Nurses Association; Piper Nelson, The SAFE Alliance; Lori Adelman)

Against — None

BACKGROUND: Interested parties have noted that many Texas communities are not served by a sexual assault nurse examiner who is trained to collect evidence relating to sexual assault crimes and that a statewide telehealth center with expertise in the area could increase Texans' access to these services.

DIGEST: SB 71 would require the attorney general to establish the statewide telehealth center for sexual assault forensic medical examination to expand access to sexual assault nurse examiners for underserved populations.

The center could facilitate, in person or with technology, the provision by a sexual assault nurse examiner of:

- training or technical assistance to a sexual assault examiner on

conducting a forensic medical exam on a survivor and the use of telehealth services; and
- consultation, guidance, or technical assistance to a sexual assault examiner during a forensic medical examination on a survivor.

The center could facilitate the use of telehealth services during an exam with permission from the facility or entity where a forensic medical examination on a survivor was conducted and to the extent authorized by other law.

The center and the attorney general would be required to develop operation protocols to comply with laws and rules governing:

- telehealth services;
- standards of professional conduct for licensure and practice;
- standards of care;
- maintenance of records;
- technology requirements;
- data privacy and security of patient information; and
- the operation of a telehealth center.

The attorney general would be required to consult with persons with expertise in medicine and forensic medical examinations, a statewide sexual assault coalition, a statewide organization with expertise in the operation of children's advocacy programs, and attorneys with expertise in prosecuting sexual assault offenses.

The attorney general could enter into contracts and adopt rules to implement the bill.

The Legislature could appropriate money to the attorney general to establish the center. The attorney general could provide funds to the center for operations, training, travel expenses incurred by a sexual assault nurse examiner, equipment and software, and any other purpose considered appropriate by the attorney general.

The bill would take effect September 1, 2019.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of $1 million to general revenue related funds through fiscal 2020-21

SUBJECT: Conserving the William Goodrich Jones State Forest

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 5 ayes — Springer, Anderson, Burns, Fierro, Zwiener

1 nay — Buckley

3 absent — Beckley, Meza, Raymond

SENATE VOTE: On final passage, March 27 — 31-0

WITNESSES: *On House companion bill, HB 792:*
For — Cyrus Reed, Lone Star Chapter Sierra Club

Against — None

On — *(Registered, but not testifying:* Wes Moorehead, Texas A&M Forest Service)

DIGEST: SB 345 would require the Jones State Forest to remain natural, scenic, undeveloped, and open in a manner that maintained the tree canopy cover of the forest. No statute, rule, policy or ordinance could be enforced with respect to the territory unless it protected and conserved the natural resources, air quality, or water quality of the forest.

The bill would define the "Jones State Forest" as property owned by the state for the use and benefit of the Texas A&M University System to demonstrate reforestation work and forest management work under the Texas A&M Forest Service, consisting of approximately 1,722 acres in Montgomery County.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: SB 345 would conserve the William Goodrich Jones State Forest, which is an important natural resource beloved by the local community as well as the site of numerous research and demonstration activities that benefit the

entire state. Conservation of the forest would help preserve the habitat for many animal species, including the endangered red-cockaded woodpecker, and allow research and education efforts based in the forest to continue. While a master plan could help with the management and protection of the forest, such a plan would not require legislation and should be developed by local communities.

Any concerns about the status of roadways near the Jones State Forest could be addressed in a floor amendment.

OPPONENTS SAY:

SB 345 could hinder the Texas Department of Transportation (TxDOT) in improving Farm-to-Market Road 1488, which crosses the Jones State Forest. The area around the forest is developing, and TxDOT should be able to expand FM 1488 if necessary.

OTHER OPPONENTS SAY:

Because SB 345 is creating a conservation area, it would be appropriate to require a public master plan process to develop plans for the management of the forest and ensure that it was well protected.

NOTES:

The bill sponsor plans to offer a floor amendment that would specify that the bill did not preclude the Texas Department of Transportation, for the current operation or future expansion of Farm-to-Market Road 1488, from using an easement that was owned by the state for the benefit of the department for a highway purpose, or from acquiring an additional interest in real property.

SUBJECT: Prohibiting property associations from restricting firearms, ammunition

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 6 ayes — Nevárez, Paul, Burns, Clardy, Lang, Tinderholt

2 nays — Goodwin, Israel

1 present not voting — Calanni

SENATE VOTE: On final passage, April 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Rick Briscoe, Open Carry Texas; (*Registered, but did not testify*: Rachel Malone, Gun Owners of America; Tara Mica, National Rifle Association; Fran Rhodes, NE Tarrant Tea Party; Mark Borskey, Texas State Rifle Association; and seven individuals)

Against — (*Registered, but did not testify*: Molly Bursey, Rebecca Defelice, Miste Hower, and Hilary Whitfield, Moms Demand Action for Gun Sense in America; and 20 individuals)

BACKGROUND: Property Code sec. 202.001 defines a "dedicatory instrument" to mean each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium or townhouse regime, or any similar planned development. The term includes a declaration subjecting real property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association or adopted rules and regulations of the association.

DIGEST: SB 741 would prohibit a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibited, restricted, or had the effect of prohibiting or restricting any authorized person from lawfully possessing, transporting, or storing a firearm or ammunition.

The association also could not include or enforce a provision in a dedicatory instrument that prohibited, restricted, or had the effect of

prohibiting or restricting the otherwise lawful discharge of a firearm.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

SB 741 would protect the Second Amendment rights of lawful gun owners who purchase homes in certain neighborhoods. By preventing property owners' associations from including or enforcing a prohibition on the possession, transportation, or storage of firearms in homes, the bill would preserve the residential right that is central to the Second Amendment, ensuring that gun rights were not unduly infringed upon.

OPPONENTS SAY:

SB 741 would remove the discretion of property owners' associations to make choices based on what was best for their particular communities.

SUBJECT: Including corrections officers, jailers in crime of making false report

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Collier, Zedler, M. González, Hunter, P. King, Moody, Murr

0 nays

2 absent — K. Bell, Pacheco

SENATE VOTE: On final passage, April 25 — 30-0

WITNESSES: No public hearing

BACKGROUND: Under Penal Code sec. 37.08, it is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) to, with intent to deceive, knowingly make a false statement that was material to a criminal investigation to:

- a peace officer or federal special investigator conducting the investigation; or
- any employee of a law enforcement agency authorized by the agency to conduct the investigation and who the person knew was conducting the investigation.

Some have noted that current law has a gap under which it would not be a crime to give false statements about criminal investigations to correction officers and jailers who were not peace officers.

DIGEST: SB 405 would extend the current criminal offense for making false statements material to a criminal investigation to include making such statements to corrections officers and jailers.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.

SUBJECT: Exempting certain attorneys ad litem, others from court rotation system

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

SENATE VOTE: On final passage, March 19 — 31-0

WITNESSES: *On House companion bill, HB 1285:*
For — Trish McAllister, Texas Access to Justice Commission; Grace Weatherly, TEX-ABOTA; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Guy Herman, Probate Court of Travis County; Amy Bresnan, Texas Family Law Foundation; Alexis Tatum, Travis County Commissioners Court)

Against — None

BACKGROUND: Government Code sec. 36.004 requires the clerk of each court in the state to prepare a report on court appointments for attorneys ad litem, guardians ad litem, amicus attorneys, and mediators for cases before the court in the preceding month.

Sec. 37.004 requires the court to use a rotation system and appoint the person who appears first on the applicable list in cases in which the appointment of an attorney ad litem, guardian ad litem, amicus attorney, or mediator is necessary.

Concerns have been raised that lawyers willing to be appointed to the above positions for certain matters pro bono have been prevented from doing so because they were not in the right spot in the rotation system and that the rotation system is not practical for the first 30 days following a disaster.

DIGEST: SB 41 would exempt an attorney ad litem, guardian ad litem, amicus

attorney, or mediator from having to be appointed using a rotation system or from being included in the required monthly report on court appointments if such person provided services without expectation or receipt of compensation or as a volunteer of a nonprofit organization providing pro bono legal services to the indigent.

The bill also would allow a court to appoint as an attorney ad litem, guardian ad litem, amicus attorney, or mediator any person who was on the applicable list or, if not on such a list, met statutory or other requirements to serve if an initial declaration of a state of disaster had been made for the area served by the court within 30 days before appointment.

The bill would take effect September 1, 2019.

SUBJECT: Changing the requirements for a teacher loan repayment program

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — C. Turner, Stucky, Button, Frullo, Pacheco, Schaefer, Smithee, Wilson

0 nays

3 absent — Howard, E. Johnson, Walle

SENATE VOTE: On final passage, April 29 — 29-2 (Hall, Kolkhorst)

WITNESSES: For — (*Registered, but did not testify*: Andrea Chevalier, Association of Texas Professional Educators; Julia Parenteau, Texas Realtors)

Against — None

On — (*Registered, but did not testify*: Charles Puls, Texas Higher Education Coordinating Board)

BACKGROUND: Education Code ch. 61, subch. KK governs the Math and Science Scholars Loan Repayment Program, which provides assistance in the repayment of eligible student loans for persons agreeing to teach mathematics or science for a specific period in schools that receive federal funding under Title I of the Elementary and Secondary Education Act of 1965.

Sec. 61.9832 imposes certain eligibility requirements on participants in the program, including that they have a cumulative grade point average of at least 3.5 on a 4.0 point scale, or its equivalent, and that they teach for four years at any public school in the state after completing four years teaching at a Title I school.

DIGEST: SB 1757 would change the cumulative grade point average required in order to receive loan payment assistance under the Math and Science Scholars Loan Repayment Program to 3.0 on a 4.0 scale, or its equivalent. The bill also would allow the Texas Higher Education Coordinating Board

to determine by rule the number of years, up to four, that a participant in the program would be required to teach at any public school in the state after completing four years of teaching at a Title I school.

The board would have to institute rules necessary to administer the provisions of the bill as soon as practicable after the effective date of the bill.

The bill would take effect September 1, 2019, and would apply only to a loan payment assistance program entered into on or after that date.

SUPPORTERS SAY:

SB 1757 would increase the number of teachers that qualified for and benefited from the Math and Science Scholars Loan Repayment Program, improving recruitment and retention of math and science teachers in Texas.

A majority of those who applied for the program in the past two years were rejected, nearly half because they did not meet the GPA requirement. Setting the required GPA at 3.0 rather than 3.5 would enable more people to take advantage of the program, which could help the state address its need for qualified teachers. A 3.0 GPA is still a sign of high aptitude, and every applicant accepted into the program would be have to be certified to teach.

OPPONENTS SAY:

SB 1757 would lower the standards for the Math and Sciences Scholars Loan Repayment Program because not enough applicants are able to meet the standards. This would not be a good approach for recruiting and retaining the most talented individuals to teach math and science to the children of Texas.

SUBJECT: Revising oversight of state agency contracting and procurement

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 12 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Raymond

SENATE VOTE: On final passage, March 20 — 31-0

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Amy Comeaux, Comptroller of Public Accounts; Hershel Becker, Department of Information Resources; Bart Broz, Health and Human Services Commission)

BACKGROUND: Government Code sec. 2054.158 requires the comptroller, state auditor, Legislative Budget Board, and the Department of Information Resources to create a Quality Assurance Team to develop and recommend policies and procedures to improve state agency information resources technology projects, including considerations for best value and return on investment, and provide annual training for state agency procurement and contract management staff on best practices and methodologies for information technology contracts.

Concerns have been raised that while contracting reforms were enacted in the previous two legislative sessions, serious contracting issues remain at state agencies. Some have suggested revising state procurement oversight on areas of highest risk and align statute and practice with the Statewide Procurement and Contract Management Guide.

DIGEST: CSSB 65 would revise oversight of state agency contracting and

procurement processes.

QAT duties. The bill would revise and expand the duties of the Quality Assurance Team (QAT) to include:

- recommending policies and procedures to improve the development, implementation, and return on investment for state agency information resources technology projects;
- reviewing a state agency's business case prepared for a major information resources project under law and making recommendations to improve implementation of the project; and
- providing recommendations on the final negotiated terms of a contract for the development or implementation of a major information resources project with a value of at least $10 million.

The bill also would require the QAT to provide by December 1 of each even-numbered year a report to the governor, lieutenant governor, House speaker, and presiding officers of certain legislative committees a report that included certain performance indicators and issues identified regarding major information resources projects and an appendix containing any justifications submitted to the QAT.

The QAT could waive the review of a state agency's business case for any major information resources project it determined would be appropriate because of the project's associated risk.

Classification as major project. The bill would increase from $1 million to $5 million the value of development costs that had to be exceeded for a project to classify as a major information resources project.

Information resources technology report. The bill no longer would require in the report on the use of information resources technology under certain law to examine major information resources projects completed in the previous state fiscal biennium or after the second anniversary of the project's completion.

Major information resources project monitoring. For each major information resources project, a state agency would have to provide the

QAT any verification and validation report or quality assurance report related to the project no later than 10 days after the agency received a request. The QAT could request any information necessary to determine a project's potential risk.

Review of contract. For each contract for the development or implementation of a major information resources project with a value of at least $10 million, a state agency would have to submit to the QAT the proposed contract terms before negotiations and the final negotiated unsigned contract for review.

After the QAT made recommendations on the final negotiated terms, a state agency would have to comply with the recommendations or submit a written explanation on why it was not applicable to the contract.

Before amending a contract, a state agency would have to notify the governor, lieutenant governor, House speaker, the presiding officers of certain legislative committees, and the QAT if the total value of the amended contract exceeded or would exceed the initial contract value by 10 percent or more or the amendment required the contractor to provide assistance in defining project scope or deliverables. A state agency would have to provide the team a justification for an amendment.

A state agency could not amend a contract subject to review if the contract was at least 10 percent over budget or the associated major information resources project was at least 10 percent behind schedule unless the agency conducted a cost-benefit analysis with respect to canceling or continuing the project and submitted the analysis to the QAT.

Monitoring assessment by state auditor. The bill would require the state auditor by July 1 of each year to assign one of the following ratings to each of the 25 largest state agencies in that state fiscal year as determined by the Legislative Budget Board (LBB):

- additional monitoring warranted;
- no additional monitoring warranted; or
- reduced monitoring warranted.

In assigning a rating, the state auditor would have to consider certain items listed in the bill, including results of certain audits, information reported by the QAT relating to the agency's major projects, information relating to reviews of the agency by LBB and the Sunset Advisory Commission, and agency self-reported improvements to contracting processes.

On or before September 1 of each year, the state auditor would have to submit to the comptroller and the Department of Information Resources (DIR) a report that listed each state agency that was assigned a rating and specified that additional or reduced monitoring was required during one or more contracting periods, including solicitation development, formation and award, or management and termination. The first report would be due by September 1, 2020.

The comptroller would have to consult with the Contract Advisory Team established under law to assist state agencies to improve contract management practices, and DIR would have to consult with the QAT to develop guidelines for the additional or reduced monitoring of a state agency during the contracting periods for a contract that fell under the monetary thresholds for review or monitoring by the advisory teams.

Contract file. Each state agency would be required to include in the file for each of its contracts a checklist to ensure compliance with state laws and rules relating to the acquisition of goods and services.

The comptroller would have to develop and periodically update a model contract file checklist and make it available for use by state agencies. The model checklist would have to address each stage of the procurement process and would include a description of procedures and documents required to be completed during the stages. A state agency could develop its own contract file checklist provided that it was consistent with the model.

Before a state agency awarded a contract to a vendor for the purchase of goods and services, the agency's contract manager or procurement director would have to review the contract file to ensure all required documents were completed and certify that the review was completed.

Business case analysis. CSSB 64 would remove a requirement that a state agency provide a business case and statewide impact analysis for a major contract, instead requiring an agency only to provide the analysis for major information resources projects. The analysis also no longer would have to include the anticipated return on investment in terms of cost savings and efficiency.

If the agency was assigned a rating by the auditor, it would have to prepare a statewide impact analysis for each proposed project and a technical architectural assessment of the project if requested by the QAT.

After the QAT made a recommendation relating to a business case, a state agency would have to comply with the recommendation or submit a written explanation on why it was not applicable to the project.

Project plans. The bill would remove a requirement that a state agency develop a project plan for each major contract and a requirement that the agency file the plan with the QAT before the agency first issued a vendor solicitation for a major information resources project.

Procurement plan. Before issuing a solicitation for a contract for the development or implementation of a major information resources project with a value of at least $10 million, a state agency would have to develop a procurement plan for each contractor consistent with any acquisition plan provided in a contract management guide.

Vendor performance. The bill would add an additional condition on the review of vendor performance currently required after a contract is completed or otherwise terminated. If the value of a contract exceeded $5 million, the state agency would have to review the vendor's performance at least once each year during the contract term and at each key milestone and report the results to the comptroller.

A state agency could not extend a vendor's contract until after the agency reported the results of each review of the vendor.

Certification of vendor assessment process. Before a state agency could

award a contract to a vendor, the agency's procurement director would have to review the process and all documents used by the agency to assess each vendor who responded to the solicitation. The director would have to certify in writing that the agency assessed each vendor's response using certain evaluation criteria and the final calculation of scoring of responses was accurate.

A state agency would have to justify in writing any change in the scoring of a vendor that occurred following the initial assessment and scoring of responses. The justification would have to be reviewed by the agency's procurement director, and the director would certify in writing that the change in scoring was appropriate.

A state agency's procurement director could delegate to a person whose position was at least equal to the position of contract manager the certification authority under these provisions if the agency met certain conditions prescribed by the comptroller. A written certification or justification would have to be placed in the contract file.

If a state agency awarded a contract to a vendor who did not receive the highest score in an assessment process, the agency would have to state in writing in the contract file the reasons for making the award.

Liability provisions. Each state agency would have to include in the contract file for each of its contracts for goods or services a written explanation of the agency's decision to include or not include in the contract a provision for liquidated damages or another form of liability for damages caused by the contractor. A contract file also would have to include a written justification for any provision that limited the liability of a contractor for damages.

If an extension of a state agency's contract modified a provision for liquidated damages or another provision relating to a contractor's liability for damages, the agency would have to amend the written justification.

Approval for assignment of services contracts. A vendor awarded a services contract by a state agency could not assign the vendor's rights under the contract to a third party unless approved by the agency. At least

14 days before a state agency rejected or approved a proposed assignment, the agency would have to notify LBB if the contract was for a major information resources project or involved storing, receiving, processing, transmitting, disposing of, or accessing sensitive personal information in a foreign country.

Document retention. CSSB 65 would require an electronic contract solicitation document to be retained by a state agency in its electronic form. A state agency could print and retain it in paper form only if the agency provided for the preservation, examination, and use of the electronic form in accordance with applicable state law.

Other provisions. Under the bill, provisions of law governing the Texas project delivery framework would apply only to major information resources projects. The bill would remove a requirement that DIR consult with LBB and the state auditor's office to develop and provide guidelines for documents required for the delivery framework.

Under the bill, only a state agency's executive director would have to approve documents and contract changes.

In conducting internal auditing, a state agency would have to consider methods for ensuring compliance with contract processes and controls and for monitoring agency contracts.

The bill would delegate to the Health and Human Services Commission the authority to procure goods and services related to a contract for a project to construct or expand a state hospital operated by a related agency or state supported living center or a deferred maintenance project for such health facilities.

A state agency that used the centralized accounting and payroll system authorized under law or an alternative computer software system for compliance requirements related to the procurement of goods and services could electronically submit to the comptroller a written justification, verification, notification, or acknowledgement required under the bill.

The bill would repeal certain provisions, including:

- those exempting the Teacher Retirement System of Texas from law governing state contracting standards and oversight and statewide contract management;
- one that allowed the QAT to review and analyze a major information resources project's risk to determine whether to approve it for the expenditure of funds;
- a requirement that a state agency proposing to spend appropriated funds for a major information resources project first conduct an execution capability assessment; and
- those governing certain publications in the Texas Register related to entering into or extending a major consulting services contract.

CSSB 65 generally would apply only to a contract an agency first advertised, that was extended or modified, or for which a change order was submitted on or after the bill's effective date.

The bill would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill's provisions related to the Teacher Retirement System could not be determined. No significant fiscal implication is anticipated for the bill's other provisions.

SUBJECT: Studying methods to evaluate the performance of certain deaf students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Talarico, VanDeaver

0 nays

2 absent — Dutton, Sanford

SENATE VOTE: On final passage, April 17 — 31-0

WITNESSES: For — Steven Aleman, Disability Rights Texas; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Lisa Dawn-Fisher, Texas State Teachers Association; Dale Webb)

Against — None

On — (*Registered, but did not testify*: Eric Marin and Justin Porter, Texas Education Agency)

BACKGROUND: Some have noted that students who travel outside of a school district to attend classes primarily at a regional day school program for the deaf located within the district's physical boundaries are included in the accountability ratings of that district. Concerned parties have suggested that because most of these districts do not have authority over the instruction, curriculum, and assessment of these students, a study could be conducted about the accountability system in regards to the evaluation of these students.

DIGEST: SB 54 would require the Texas Education Agency (TEA) to conduct a study on appropriate methods and standards to evaluate the performance of a student who spends at least 50 percent of the instructional day participating in a regional day school program for the deaf and whose parent did not reside in the school district providing program services. TEA would be required by September 1, 2020, to provide a report on the

study and recommendations to the standing committees of the Legislature that have jurisdiction over public education.

TEA would not be required to implement the bill if the Legislature did not appropriate money specifically for that purpose but could implement the bill using other appropriations available for that purpose.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, SB 54 would have a negative impact of $250,000 through fiscal 2020-21.

SUBJECT: Revising state agency information resources cybersecurity requirements

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Raymond

SENATE VOTE: On final passage, April 26 — 30-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Leticia Van de Putte, City of Del Rio and San Antonio Chamber of Commerce; Tom Nobis)

Against — None

On — (*Registered, but did not testify*: Nancy Rainosek, Department of Information Resources)

BACKGROUND: In interim hearings held by the Senate Select Committee on Cybersecurity, some suggested several updates to statutory provisions governing cybersecurity policies to better protect state agency data and ensure that key services were delivered adequately.

DIGEST: SB 64 would revise various cybersecurity requirements for state agency information resources, including oversight of cybersecurity practices and the state's electric grid.

Information sharing and analysis organization. The bill would rename the current information sharing and analysis center, which provides a forum for state agencies to share information regarding cybersecurity threats, best practices, and remediation strategies, as the information sharing and analysis organization. The bill would expand participation in the organization to include local governments, public and private institutions of higher education, and the private sector.

A participant would have to assert any exception available under state or federal law in response to a request for public disclosure of information shared through the organization. Statute allowing a governmental body to voluntarily make available information to the public would not apply to the shared information.

The Department of Information Resources (DIR) no longer would be required to appoint representatives from state agencies or use funds other than those appropriated in the general appropriations act for the organization.

Information security plan. SB 64 would require each state agency to include in its information security plan required under state law a written document that was signed by the head of the agency, the chief financial officer, and each executive manager and stated that those persons had been made aware of the risks revealed during the preparation of the plan.

Information technology infrastructure report. The bill would revise the requirements for the biennial report that DIR has to submit to certain persons on the condition of state agencies' information technology infrastructure. For a state agency found to be at higher security and operational risk, the report would have to include a detailed analysis of agency efforts to address the risks and related vulnerabilities, and for such an agency, the report no longer would have to include an estimate of the costs to address the risks and vulnerabilities through certain activities.

Cybersecurity report. SB 64 would revise the requirements for a biennial report DIR is required to submit identifying preventive and recovery efforts the state can undertake to improve state cybersecurity. Under the bill, the report would have to evaluate a program that provided an information security officer to assist small agencies and local governments that were unable to justify hiring a full-time information security officer. The report no longer would have to evaluate the costs and benefits of cybersecurity insurance or tertiary disaster recovery options.

Vulnerability reports. The bill would require the information security officer of a state agency, instead of its information resources manager, to

prepare a report on the vulnerability of a computer network, system, program, software, or other device to unauthorized access or harm. The security officer would provide an electronic copy of the report to the agency's information resources manager.

Prioritized projects report. By October 1 of each even-numbered year, DIR would have to submit a report to the Legislative Budget Board that prioritized, for the purpose of receiving funding, state agency cybersecurity and legacy system replacement or modernization projects. Each state agency would have to coordinate with DIR to implement this requirement.

A state agency would have to assert any exception available under state or federal law in response to a request for public disclosure of information contained in or written, produced, collected, assembled, or maintained in connection with the report. Statute allowing a governmental body to voluntarily make available information to the public would not apply to the report.

Security breach notification. The bill would require a state agency that owned, licensed, or maintained computerized data that included sensitive personal or confidential information to notify DIR, including the chief information security officer, of the details of a breach, suspected breach , or unauthorized exposure within 10 business days after eradication, closure, and recovery. The notification would have to include an analysis of the event's cause.

The agency no longer would have to notify the state cybersecurity coordinator within 48 hours of the discovery of the event, while other notification requirements under current law would remain.

Investigating cybersecurity event. The review and analysis of computer-based data for the purpose of preparing for or responding to a cybersecurity event would not constitute an investigation for the purposes of provisions governing investigations companies and would not require licensing under the Private Security Act.

Cybersecurity degree programs. SB 64 would require the Texas Higher

Education Coordinating Board, in collaboration with DIR, to identify strategies to incentivize institutions of higher education to develop cybersecurity degree programs. By September 1, 2020, the coordinating board would have to report the strategies to the lieutenant governor, House speaker, certain legislative committees, and each governing board of an institution of higher education.

Cybersecurity program for utilities. The bill would require the Public Utility Commission (PUC) to establish a program to monitor cybersecurity efforts among utilities in Texas. For the purposes of this requirement, the bill would define "utility" as an electric cooperative, an electric utility, a municipally owned electric utility, a retail electric provider, or a transmission and distribution utility.

The program would have to provide guidance on best practices in cybersecurity and facilitate the sharing of cybersecurity information between utilities. It also would have to provide guidance on best practices for cybersecurity controls for supply chain risk management of cybersecurity systems used by utilities, which could include those related to software integrity and authenticity, vendor risk management and procurement controls, and vendor remote access.

PUC could collaborate with the state cybersecurity coordinator and the cybersecurity council in implementing the program.

ERCOT cybersecurity assessment. The bill would require the Electric Reliability Council of Texas (ERCOT) to conduct an internal cybersecurity risk assessment, vulnerability testing, and employee training to the extent the activities were not otherwise required under applicable state and federal laws.

ERCOT also would have to submit an annual report to the PUC on compliance with applicable cybersecurity and information security laws. Information in the report would be confidential and not subject to disclosure under public information laws.

Disaster definition. The bill would add a cybersecurity event to the list of occurrences or imminent threats that were considered a disaster for the

purposes of the Texas Disaster Act.

Retirement systems. The bill would require the Employees Retirement System of Texas and the Teacher Retirement System of Texas to comply with laws governing cybersecurity and information security standards established by DIR.

Public junior colleges. The bill would apply laws governing information resources to public junior colleges as necessary to comply with information security standards for participation in shared technology services and statewide technology centers. DIR by agreement could provide network security to a public junior college.

Other provisions. The bill would repeal provisions governing bids or proposals for interagency contracts for information resources technologies and data security procedures for online and mobile applications of institutions of higher education.

To the extent of any conflict, SB 64 would prevail over another bill of the 86th Legislature relating to non-substantive additions to and corrections in enacted codes.

Effective date. The bill would take effect September 1, 2019.

SUBJECT: Continuing the Texas Leverage Fund program; modifying administration

COMMITTEE: International Relations and Economic Development — favorable, without amendment

VOTE: 8 ayes — Anchia, Frullo, Blanco, Cain, Metcalf, Perez, Raney, Romero

0 nays

1 absent — Larson

SENATE VOTE: On final passage, April 30 — 26-5 (Bettencourt, Creighton, Hall, Hughes, Nelson)

WITNESSES: *On House companion bill, HB 31:*
For — (*Registered, but did not testify:* Mario Martinez, Port of Brownsville; Jake Fuller, South Texas Business Coalition, Texas Leverage Fund; Susan Gezana)

Against — None

On — (*Registered, but did not testify:* Bryan Daniel, Office of the Governor)

BACKGROUND: The Texas Leverage Fund is an economic development loan program that was created in 1992 by a master resolution of the former Texas Department of Commerce. The program is set to expire in 2022 if not continued in statute. The fund is now operated by the Texas Economic Development Bank within the Office of the Governor's Economic Development and Tourism division.

It has been noted that continuation of the fund and other revisions to statute are needed to allow the Bank to renew the letter of credit that currently backs the fund's commercial paper notes.

DIGEST: SB 132 would authorize the continued operation of the Texas Leverage Fund program as established by the 1992 master resolution of the Texas

Department of Commerce and would amend the program.

Fund. SB 132 would establish the Texas Leverage Fund as a trust fund held outside the state treasury by the comptroller as trustee.

The fund would be administered by the Texas Economic Development Bank within the Texas Economic Development and Tourism Office (TEDTO). It would consist of proceeds from the issuance of bonds, loan payments, origination fees, investment earnings, and any other money received by the Texas Economic Development Bank.

The fund could be used to:

- make loans to economic development corporations for eligible projects;
- pay the bank's necessary and reasonable costs of administering the program established by the bill, including the payment of letter of credit fees and credit rating fees;
- to pay the principal of and interest on certain issued bonds;
- to pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and
- for any other purpose authorized by the bill.

Pending use, the comptroller could invest and reinvest the money in the leverage fund in investments authorized by law for state funds. Earnings on the investments would be credited to the leverage fund.

Authority to raise capital. SB 132 would authorize the bank and TEDTO to issue, sell, and retire bonds, including obligations in the form of commercial paper notes, to provide funding for economic development purposes.

The executive director of TEDTO would oversee the format, terms, and rates of these bonds, subject to review and approval by the attorney general. The bill would prohibit the director from issuing a loan with a term longer than 40 years or an interest rate greater than the maximum annual interest rate of 15 percent.

SB 132 would pledge the state of Texas to not limit or alter the rights vested in the bank to fulfill the terms of any agreements made with bondholders or in any way impair the rights and remedies of the bondholders until the bonds were repaid in full. The Texas Economic Development Bank would be prohibited from incurring a pecuniary liability or charge against the general credit of the state, TEDTO, or the bank, or against the taxing powers of the state.

Lending authority. SB 132 would authorize a Type A or Type B economic development corporation to obtain a loan from the Texas Leverage Fund for eligible projects. To secure the loan, the corporation would be authorized to pledge revenue from the sales and use tax imposed by its authorizing municipality for the benefit of the corporation.

SB 132 would retroactively validate acts of the comptroller, TEDTO, and Texas Economic Development Bank relating to the administration of the Texas Leverage Fund program, excluding misdemeanors, felonies, or a matter that had been held invalid by a final judgment of a court.

Contingent implementation. The comptroller, TEDTO, and Texas Economic Development Bank would be required to implement a provision of the bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money, these agencies would be allowed, but not required to, implement the provision using other appropriations available for that purpose.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY:

SB 132 would continue the Texas Leverage Fund, which would help small, rural communities that may be unable to access traditional sources of infrastructure financing such as municipal bonds.

The Texas Leverage Fund program's authority to issue commercial paper notes stems from a 1992 master resolution of the former Texas Department of Commerce, which is set to expire in 2022. Without an

extension, there could be a default event impacting active loans in the program. SB 132 would address this by clarifying the authority of the Texas Economic Development Bank to amend the resolution, which would allow the fund to fulfill its obligations.

By continuing and improving a valuable program, SB 132 would promote business expansion, recruitment, and exporting in communities that otherwise might have a hard time accessing capital to finance investments.

OPPONENTS SAY:

SB 132 would interfere in the private market by enabling a program that provides economic incentives to private businesses through economic development corporations. This represents a form of corporate subsidies in violation of free markets and limited government principles. The Texas Leverage Fund should not be continued.

SUBJECT: Revising certain state agency reporting requirements

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 9 ayes — Phelan, Guerra, Harless, Holland, Hunter, P. King, Raymond, Smithee, Springer

0 nays

4 absent — Hernandez, Deshotel, Parker, E. Rodriguez

SENATE VOTE: On final passage, April 11 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 1788:*
For — (*Registered, but did not testify:* Bay Scoggin, TexPIRG)

Against — None

On — (*Registered, but did not testify:* Molly Lester, Health and Human Services Commission)

BACKGROUND: The Texas State Library and Archives Commission (TSLAC) recently issued a report evaluating the usefulness of reports submitted by a state agency to other agencies. Some have proposed implementing TSLAC's recommendations to revise or repeal certain statutory reporting requirements in an effort to reduce the number of reports and improve their usefulness.

DIGEST: CSSB 241 would revise the deadlines, contents, recipients, and other statutory requirements for certain state agency reports. The bill would repeal certain other reports, including requirements for some state agencies to provide to the secretary of state a report detailing projects providing assistance to colonias.

The bill would take effect September 1, 2019.

SUBJECT: Expanding reporting requirements for public pension systems

COMMITTEE: Pensions, Investments, and Financial Services — committee substitute recommended

VOTE: 9 ayes — Murphy, Vo, Capriglione, Flynn, Gervin-Hawkins, Gutierrez, Lambert, Stephenson, Wu

0 nays

2 absent — Leach, Longoria

SENATE VOTE: On final passage, April 17 — 31-0

WITNESSES: *On House companion bill, HB 1887*:
For — James Quintero, Texas Public Policy Foundation; (*Registered, but did not testify*: Sally Bakko, City of Galveston; Randy Cain, City of Dallas; Bill Kelly, City of Houston Mayor's Office)

On — Anumeha Kumar, Pension Review Board; David Stacy (*Registered, but did not testify*: Jimmy Rodriguez, San Antonio Police Officer's Association; James Smith, San Antonio Fire and Police Pension Fund)

DIGEST: CSSB 322 would expand reporting requirements for all public pension systems to include additional information in the annual financial report and a new investment practices and performance report.

Annual report. The bill would require the annual financial report published by public retirement systems to include a listing, by asset class, of all direct and indirect commissions and fees paid by the retirement system during the system's previous fiscal year for the sale, purchase, or management of system assets and the names of investment managers engaged by the retirement system. The bill would authorize the Pension Review Board (PRB) to adopt rules necessary to implement these new disclosures.

Investment practices and performance reports. CSSB 322 would

require public retirement systems to select an independent firm to evaluate the appropriateness, adequacy, and effectiveness of the retirement system's investment practices and performance and to make recommendations for improving the retirement system's investment policies, procedures, and practices.

The evaluation would have to include:

- an analysis of any investment policy or strategic investment plan adopted by the retirement system and the retirement system's compliance with that policy or plan;
- a detailed review of the retirement system's investment asset allocation, including certain metrics specified in the bill;
- a review of the appropriateness of investment fees and commissions paid by the retirement system;
- a review of the retirement system's governance processes related to certain investment activities; and
- a review of the retirement system's investment manager selection and monitoring process.

The public retirement system could determine additional evaluation areas or select particular asset classes on which to focus, but the bill would require the first evaluation to be a comprehensive analysis of the retirement system's investment program that covered all asset classes.

In selecting an independent firm to conduct the evaluation, the bill would allow a firm to be selected regardless of whether it had an existing relationship with the retirement system, unless the firm directly or indirectly managed investments of the retirement system.

Retirement systems with at least $100 million in assets under management would be required to conduct an evaluation every three years. Retirement systems with between $30 million and $100 million would have to conduct an evaluation every six years. A public retirement system with less than $30 million in assets under management would not be required to conduct the evaluation. The bill would require public retirement systems to pay the costs of the evaluations.

A report of the evaluation would be filed with the governing body of the public retirement system by May 1 of each year following the year in which the system was evaluated. The governing body of the retirement system would be required to submit the report to PRB within 31 days after receiving a report of the evaluation.

This report of an evaluation by the Teacher Retirement System (TRS) would satisfy TRS's biennial investment practices evaluation and annual performance report. Certain investment reports described in the bill could be used by the applicable public retirement systems to satisfy the requirement for this investment practices and performance report.

PRB could adopt rules necessary to implement this section.

Pension Review Board. CSSB 322 would require PRB to publish on its website the most recent data from the investment practices and performance report.

The bill would require PRB to submit an investment performance report summarizing the information received in the investment practices and performance reports by PRB during the preceding two fiscal years. The report would be delivered to the governor, the lieutenant governor, the House speaker, and the legislative committees having principal jurisdiction over legislation governing public retirement systems in PRB's biennial report required by statute.

PRB would have to implement a provision of this bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money specifically for that purpose, PRB could, but would not be required to, implement a provision of the bill using other appropriations available for that purpose.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

NOTES: According to the Legislative Budget Board, the bill would have a negative

impact of about $202,000 to general revenue related funds through fiscal 2020-21.

SUBJECT: Creating a civil penalty for knowingly installing unsafe tires

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Canales, Y. Davis, Leman, Martinez, Ortega, Raney, E. Thompson

2 nays — Hefner, Krause

4 absent — Landgraf, Bernal, Goldman, Thierry

SENATE VOTE: On final passage, April 29 — 23-8 (Bettencourt, Campbell, Creighton, Hall, Hancock, Kolkhorst, Paxton and Perry)

WITNESSES: No public hearing.

DIGEST: SB 511 would prohibit individuals who own or operate a business that installs tires or their employees from knowingly installing unsafe tires on a motor vehicle to be used on public roads. The prohibition would not apply to the reinstallation of a tire on a motor vehicle that had been removed from the vehicle.

The bill would define an "unsafe tire" as a tire that:

- had tire tread less than one-sixteenth of an inch deep;
- had a localized worn spot that exposed the ply or cord through the tread;
- had a tread or sidewall crack, cut, or snag as measured on the outside of the tire that was more than an inch long and deep enough to expose the body cords;
- had any visible bump, bulge, or knot apparently related to tread or sidewall separation or partial failure of the tire structure, including the bead area;
- had been repaired temporarily with a blowout patch or boot;
- had worn tread wear indicators that contacted the road in any two adjacent major grooves in the center or middle of the tire; or
- did not otherwise meet applicable Department of Public Safety

standards for the tire.

A person who violated the bill would be liable for a civil penalty of up to $500.

This bill would take effect September 1, 2019.

SUPPORTERS SAY:

SB 511 would improve public safety by discouraging the installation of unsafe tires that contribute significantly to crashes. The bill would not create an additional burden for tire shops because they already are required to reject unsafe tires under Department of Public Safety rules. The bill would simply give weight to the rules and establish an enforcement tool by adding a civil penalty for violations.

The bill would not shift the liability for defective tires from a manufacturer to an installer because the installer would have to knowingly install an unsafe tire to violate the bill's provisions.

OPPONENTS SAY:

SB 511, while well intentioned, would burden tire shops with unnecessary regulation. The bill could give manufacturers of defective tires additional protection from lawsuits by shifting liability onto businesses that install tires and would be difficult to enforce.

SUBJECT: Creating the Texas Mental Health Care Consortium

COMMITTEE: Public Health — committee substitute recommended

VOTE: 6 ayes — S. Thompson, Allison, Coleman, Guerra, Ortega, Sheffield

2 nays — Frank, Zedler

3 absent — Wray, Lucio, Price

SENATE VOTE: On final passage, March 5 — 31-0

WITNESSES: For — Andy Keller, Meadows Mental Health Policy Institute; Nhung Tran, Texas Pediatric Society, Texas Medical Association, and Federation Of Texas Psychiatry; Beth Cortez-Neavel, TexProtects - The Texas Association for the Protection of Children; (*Registered, but did not testify*: Gregg Knaupe, Ascension Seton; Kevin Denmark, Beacon Health Options; Melissa Shannon, Bexar County Commissioners Court; Anne Dunkelberg, Center for Public Policy Priorities; Matt Moore, Children's Health; Christina Hoppe, Children's Hospital Association of Texas; Maggie Stern, Childrens Defense Fund; Linda Townsend, CHRISTUS Health; Chris Masey, Coalition of Texans with Disabilities; Tim Schauer, Community Health Choice; Priscilla Camacho, Dallas Regional Chamber; Jesse Ozuna, Doctor's Hospital at Renaissance; Eric Woomer, Federation of Texas Psychiatry; Rebecca Young-Montgomery, Fort Worth Chamber of Commerce; Traci Berry, Goodwill Central Texas; Lindsay Munoz, Greater Houston Partnership; Elise Richardson, Houston Methodist Hospital; Mary Cullinane, League of Women Voters of Texas; Lindsay Lanagan, Legacy Community Health; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Greg Hansch and Alissa Sughrue, National Alliance on Mental Illness Texas; Eric Kunish, National Alliance on Mental Illness Austin; Carl Bowen, Brian Hawthorne, and AJ Louderback, Sheriffs' Association of Texas; Maureen Milligan, Teaching Hospitals of Texas; Josette Saxton, Texans Care for Children; Marshall Kenderdine, Texas Academy of Family Physicians; Lori Henning, Texas Association of Goodwills; Jason Baxter, Texas Association of Health Plans; Andrew Homer, Texas CASA; Orlando

Jones, Texas Children's Hospital; Lee Johnson, Texas Council of Community Centers; Douglas Smith, Texas Criminal Justice Coalition; Nora Belcher, Texas e-Health Alliance; Carrie Kroll, Texas Hospital Association; Michelle Romero, Texas Medical Association; Kyle Ward, Texas PTA; Piper Nelson, The SAFE Alliance; Richard Perez, The San Antonio Chamber of Commerce; Jennifer Allmon, The Texas Catholic Conference of Bishops; Aryn James, Travis County Commissioners Court; Michelle Wittenburg, Upbring)

Against — Lee Spiller, Citizens Commission on Human Rights; Cindy Asmussen, Southern Baptists of Texas Convention; Alice Linahan; Ruth York; (*Registered, but did not testify*: Adam Cahn, Cahnman's Musings; Monica Ayres, Citizens Commission on Human Rights Texas; Ann Hettinger, Concerned Women for America; Beverly Roberts, Concerned Women for America of Texas; Fran Rhodes, NE Tarrant Tea Party; Judy Powell, Parent Guidance Center; Mark Ramsey, Republican Party of Texas, RPT Legislative Priorities Committee and State Platform Committee; Lindsey Fenton, We the Parents Coalition; and about 74 individuals)

On — David Lakey, The University of Texas System; (*Registered, but did not testify*: Sonja Gaines and Joy Kearney, Health and Human Services Commission; Rex Peebles, Texas Higher Education Coordinating Board)

DIGEST:

CSSB 10 would establish the Texas Mental Health Care Consortium to facilitate access to mental health care services through telehealth and the child psychiatry access network and expand the mental health workforce through training and funding opportunities.

Consortium. The bill would establish the Texas Mental Health Care Consortium to leverage the expertise and capacity of certain health-related institutions of higher education to address urgent mental health challenges and improve the state's mental health care system. The consortium would be administratively attached to the Texas Higher Education Coordinating Board (THECB) in order to receive and administer appropriations and other funds under the bill. THECB would not be responsible for providing to the consortium staff human resources, contract monitoring, purchasing, or any other administrative support services.

The consortium would be composed of certain health-related institutions of higher education, the Health and Human Services Commission (HHSC), three nonprofit organizations focusing on mental health care, and any other entity the consortium's executive committee deemed necessary. The health-related institutions would include:

- Baylor College of Medicine;
- the Texas A&M University System Health Science Center;
- Texas Tech University Health Sciences Center (TTUHSC) and TTUHSC at El Paso;
- University of North Texas Health Science Center at Fort Worth;
- the Dell Medical School at The University of Texas at Austin;
- the University of Texas M.D. Anderson Cancer Center, Medical Branch at Galveston, Rio Grande Valley School of Medicine, and Southwestern Medical Center; and
- the University of Texas Health Science Centers at Houston, San Antonio, and Tyler.

Executive committee. The consortium would be governed by an executive committee composed of:

- the chair of the academic psychiatry department at each of the consortium's health-related institutions or a licensed psychiatrist designated by the chair to serve in the chair's place;
- one HHSC representative with expertise in the delivery of mental health care services, appointed by the executive commissioner;
- one HHSC representative with expertise in mental health facilities, appointed by the executive commissioner;
- a representative of each nonprofit organization that was part of the consortium, designated by a majority of the consortium's members;
- a representative of a Texas hospital system, designated by a majority of the academic psychiatry department chairs; and
- any other representative designated by the president of each health-related higher education institutions or by a majority of the academic psychiatry department chairs.

The executive committee would have to elect a presiding officer from among its membership. The consortium would have to designate a member of the executive committee to represent the consortium on the statewide behavioral health coordinating council.

Duties. The bill would require the executive committee to:

- coordinate the provision of funding to the health-related higher education institutions included in the consortium;
- establish procedures and policies for the administration of those funds;
- monitor funding and agreements entered into under the bill to ensure recipients of funding complied with the terms and conditions of the funding and agreements; and
- establish procedures to document compliance by executive committee members and staff with applicable laws governing conflicts of interest.

Child psychiatry access network and telehealth programs. CSSB 10 would require the consortium to establish a network of comprehensive child psychiatry access centers at health-related institutions of higher education that were part of the consortium. A center would have to provide consultation services and training opportunities for pediatricians and primary care providers operating in the center's geographic region to better care for youth with behavioral health needs. The bill would prohibit child psychiatry access centers from submitting an insurance claim or charging a health provider a fee for providing consultation services or training opportunities.

The consortium would have to establish or expand telemedicine or telehealth programs for identifying and assessing behavioral health needs and providing access to mental health care services. The consortium would have to implement this provision with a focus on the behavioral health needs of at-risk children and adolescents.

The consortium would have to leverage a hospital system's resources if the hospital system provided consultation services and training opportunities for certain pediatricians and primary care providers and had

an existing telehealth program that provided access to mental health care services.

Health-related higher education institutions included in the consortium could enter into a memorandum of understanding with a community mental health provider, defined as entity providing mental health care services at a local level, to establish a child psychiatry access center or establish or expand a telehealth program.

The bill would specify that a person could provide mental health care services to a child younger than 18 years old through a child psychiatry access center or telehealth program established under the bill only if the person obtained written parental or guardian consent. The bill's consent requirements would not apply to certain services provided by a school counselor.

Mental health workforce. Under the bill, the consortium's executive committee could provide funding to a health-related institution of higher education for:

- one full-time psychiatrist who treated adults or one full-time psychiatrist who treated children and adolescents to serve as academic medical director at a facility operated by a community mental health provider; and
- two new resident rotation positions.

An academic medical director funded under the bill would have to collaborate and coordinate with a community mental health provider to expand the amount and availability of mental health care resources by developing training opportunities for residents and supervising residents at a facility operated by the community mental health provider.

The executive committee also could provide funding to health-related institutions of higher education for the purpose of funding physician fellowship positions that would lead to a medical specialty in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents. This funding would have to be used to increase the number of fellowship positions at the institution and

could not be used to replace the institution's existing funding.

Report. By December 1 of each even-numbered year, the consortium would be required to prepare and submit a written report to the governor, lieutenant governor, House speaker, and the standing legislative committee of each chamber with primary jurisdiction over behavioral health issues. The consortium also would have to post the report on its website.

The report would have to outline:

- the consortium's activities and objectives;
- the health-related institutions of higher education that received funding by the executive committee; and
- any legislative recommendations based on the committee's activities and objectives.

Other provisions. The bill would require the Supreme Court of Texas and the Texas Court of Criminal Appeals, in collaboration with the consortium, to develop a training program to educate designated judges and their staff on mental health care resources available within their jurisdiction. The training program could be operated in conjunction with other training programs.

The consortium would be required to implement a provision of the bill only if the Legislature appropriated money specifically for that purpose. If no money was appropriated, the consortium could implement a provision of the bill but would not be required to do so.

As soon as practicable after the bill's effective date, the HHSC executive commissioner, THECB commissioner, and members of the consortium's executive committee would have to make their required appointments and designations.

The bill would take effect immediately if it received a two-thirds vote in each chamber. Otherwise, it would take effect September 1, 2019.

SUPPORTERS

CSSB 10 would address gaps in the state's mental health system in rural

SAY:

and urban areas by creating a mental health care consortium of health-related institutions of higher education as well as a child psychiatry access network. Establishing these resources would increase access to mental health services, enhance collaboration among health-related institutions and providers, and increase residency positions and mental health training opportunities for certain health providers. The bill would mitigate the impact of serious conditions for youth by expanding early identification and intervention for behavioral health needs.

The bill would address the state's mental health provider shortage by expanding telehealth programs, which could help identify children's mental health needs earlier. Identifying at-risk youth at a younger age could help decrease the use of medication, which is often a last resort for treatment, in the future and help prevent youth from becoming a danger to themselves or others. The bill would establish clear parental consent requirements before certain services could be provided to individuals younger than 18 years old.

The bill would enhance collaboration among health providers by creating the child psychiatry access network, enabling pediatricians and primary care physicians to efficiently consult with mental health experts on treatment options. Primary care physicians frequently are the first providers to detect mental health issues, but many are not comfortable providing that type of care. Providing consultations and training opportunities for health providers would ensure they were equipped to address children's urgent mental health care needs or make the appropriate treatment referrals.

By training judges and their staff on available mental health resources, CSSB 10 could help reduce the number of young people with a mental illness entering the criminal justice system and reduce recidivism rates.

OPPONENTS SAY:

CSSB 10 is unnecessary and could result in negative health outcomes for youth with mental health issues. By establishing child psychiatry access centers at health-related institutions of higher education, CSSB 10 could create conflicts of interest and lead to increased use of psychotropic medications for youth with mental health issues. The bill should include informed consent requirements before mental health services are provided

to youth. Informed consent, rather than parental consent, is needed because it would require a detailed explanation of assessments and the risks and benefits of procedures before services could be provided.

The bill also would duplicate existing programs, like the TWITR Project at the Texas Tech University Health Science Center, which conducts mental health screenings of at-risk students. In addition, several medical schools across the state already participate in a mental health consortium that meets quarterly. Instead of appropriating funds for a new program, the state could improve and expand existing efforts.

OTHER OPPONENTS SAY:

CSSB 10 would not address the root cause of youths' distress. Rather than only providing funds for medical solutions to mental health issues, the Legislature should examine external factors, like academic pressure and cyber-bullying, that could influence a student's behavioral health.

The bill also should require the Texas Mental Health Care Consortium to be subject to the Texas Open Meetings Act and Public Information Act.

NOTES:

According to the Legislative Budget Board, there would be some fiscal impact to the state depending on the amount of funding distributed by the Texas Mental Health Care Consortium's executive committee to health-related institutions of higher education for expanding the mental health workforce and for psychiatric fellowships.

SUBJECT: Requiring patient records on maternal death be filed within 30 days

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — S. Thompson, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

3 absent — Wray, Allison, Coleman

SENATE VOTE: On final passage, March 27 — 31-0

WITNESSES: *On House companion bill, HB 1255:*
For — (*Registered, but did not testify*: Deneen Robinson, The Afiya Center; Mignon McGarry, American College of Obstetricians and Gynecologists-Texas District; Anne Dunkelberg, Center for Public Policy Priorities; Nora Del Bosque, March of Dimes; Jennifer Biundo, Texas Campaign to Prevent Teen Pregnancy; Adriana Kohler, Texans Care for Children; Carisa Lopez, Texas Freedom Network; Sara Gonzalez, Texas Hospital Association; Michelle Romero, Texas Medical Association; Evelyn Delgado, Texas Women's Healthcare Coalition; Lee Nichols, TexProtects; and 11 individuals)

Against — None

On — June Hanke, Harris Health System (*Registered, but did not testify*: Manda Hall, Department of State Health Services)

DIGEST: SB 559 would require a hospital, birthing center, or other custodian of a patient's records, no later than 30 days after receiving a request from the Department of State Health Services for records regarding a pregnancy-related death for a specific patient, to submit those records to the department. Requests would be limited to patients' medical records.

The bill would take effect September 1, 2019.

SUBJECT: Requiring information on court-ordered representation in certain suits

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

1 absent — Farrar

SENATE VOTE: On final passage, April 30 — 30-1 (Creighton)

WITNESSES: For — None

Against — None

On — David Slayton, Office of Court Administration

DIGEST: SB 560 would require the Texas Judicial Council (TJC) to develop a statewide plan requiring Texas counties and courts to report information on court-ordered representation for appointments made in lawsuits affecting parent-child relationships. TJC would have to consider the costs to counties of implementing the plan and design the plan to reduce redundant reporting.

The bill would require local administrative district judges for courts subject to the plan, or individuals designated by the judges, to provide TJC by November 1 of each odd-numbered year with:

- copies of all formal and informal rules and forms the courts used to appoint representation in suits affecting parent-child relationships; and
- any fee schedules the courts used for court-ordered representation.

County auditors or other individuals designated by the commissioners courts of counties would have to send TJC information about the money

spent by their counties in the preceding state fiscal year to provide court-ordered representation in suits affecting parent-child relationships.

The information would include the total amount of money spent by counties to provide court-ordered representation services and what portion was spent on:

- appointments in each district court, county court, statutory county court, and appellate court in the county;
- appointments of private attorneys and public counsel for indigent respondents, including parents, children, and alleged fathers;
- investigations, expert witnesses, or other litigation expenses.

SB 560 would require TJC to compile this information in a report annually; submit it to the governor, lieutenant governor, and House speaker; and publish it online.

Texas counties and courts would not have to report information until September 1, 2020, or a later date specified in TJC's plan.

TJC would be required to implement provisions of this bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money specifically for that purpose, TJC could, but would not be required to, implement provisions using other appropriations available for that purpose.

TJC would be required to develop the plan as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of $300,000 to general revenue related funds through fiscal 2020-21.